



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,483	04/12/2004	Joseph A. Massanelli	19569-0011	3026

7590 03/14/2008  
Malvern U. Griffin III  
SUTHERLAND ASBILL & BRENNAN LLP  
999 Peachtree Street, NE  
Atlanta, GA 30309-3996

EXAMINER
----------

KOHUT, DAVID M

ART UNIT	PAPER NUMBER
----------	--------------

3626

MAIL DATE	DELIVERY MODE
-----------	---------------

03/14/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/822,483	<b>Applicant(s)</b> MASSANELLI ET AL.	
	<b>Examiner</b> DAVID M. KOHUT	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

1. In the request for continued examination filed 1 February 2008, the following has occurred: claims 1-15 and 18 have been amended.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 8, and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein, U.S. Patent No. 5,404,509, in view of Goldman et al., U.S. Patent No. 5,684,951, and Flynn et al., Publication No. 2003/0149645.

3. As per claim 1, Klein teaches the method for web-based claim processing comprising: identifying at least one audit claim, i.e. an audit is conducted by selecting a project (see column 5, line 59 of Klein), wherein the at least one audit claim comprises at least one of a claim type, a claim amount, and a claim date, i.e. the audit list indicates the name of the audit file, the name of the database that was audited, the date of the audit, and the overall accuracy of the result of the audit (see column 12, lines 34-37 of Klein); electronically associating the at least one audit claim to one or more documents associated with the at least one audit claim, i.e. the source material is referenced and checked against the database records (where the source material is equivalent to the

documents and the audit claim is equivalent to the database records)(see column 6, lines 21-22 of Klein); storing the at least one audit claim and the one or more associated documents, i.e. the project also stores the results of audits that have either been initiated from within the project or ones which the user adds to the project at a later date (see column 12, lines 17-21 of Klein); and making the at least one audit claim and the one or more associated documents available for review electronically, i.e. if images are available that correspond to the database records, the entire review process of the audit can be conducted completely on-line (see column 6, lines 19-23 of Klein). However, Klein does not explicitly teach the method concerning a recovery audit. Flynn et al., however, does teach a method relating to recovery audits, i.e. the practice of performing recovery audits originated in the early 1970's (see page 1, paragraph 0001, lines 1-3 of Flynn et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Klein. One of ordinary skill in the art would have been motivated to combine these features in order to recover lost profits (see page 1, paragraph 0011, lines 1-3 of Flynn et al.).

4. As per claim 8, Klein teaches the method for web-based claim processing, comprising: obtaining electronic versions of documents relating to an audit, i.e. electronic images that represent the source material for the records in a database are available (see column 6, lines 13-15 of Klein); identifying at least one audit claim based at least in part on the documents, i.e. the database auditor selects the sample to audit and the database is compared to the corresponding source material (see column 5, lines 62-63 and 67-68 of Klein); wherein the at least one audit claim comprises at least

Art Unit: 3626

one of a claim type, a claim amount, and a claim date, i.e. the audit list indicates the name of the audit file, the name of the database that was audited, the date of the audit, and the overall accuracy of the result of the audit (see column 12, lines 34-37 of Klein); generating an electronic record of the at least one audit claim, i.e. electronic images that represent the source material for the records in a database are available (see column 6, lines 13-15 of Klein); electronically associating the electronic record for the at least one audit claim to one or more of the documents, i.e. electronic images that represent the source material for the records in a database are available for the review process (see column 6, lines 13-16 of Klein); storing the at least one audit claim and the one or more associated documents, i.e. the project also stores the results of audits that have either been initiated from within the project or ones which the user adds to the project at a later date (see column 12, lines 17-21 of Klein); and making the at least one audit claim and the one or more associated documents available for review remotely over a network, i.e. the entire review process of the audit can be conducted completely on-line (see column 6, lines 20-23 of Klein). However, Klein does not explicitly teach the method concerning a recovery audit. Flynn et al., however, does teach a method relating to recovery audits, i.e. the practice of performing recovery audits originated in the early 1970's (see page 1, paragraph 0001, lines 1-3 of Flynn et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Klein. One of ordinary skill in the art would have been motivated to combine these features in order to recover lost profits (see page 1, paragraph 0011, lines 1-3 of Flynn et al.).

5. As per claim 10, Klein and Flynn et al. teach the method of claim 8 as described above. In addition, Klein further teaches the method of delivering notice to a claimant of the accessibility of the at least one audit claim and the one or more associated documents, i.e. the database auditor presents the sample to the user in a standardized set of reports or on-line forms (see column 5, lines 62-64 of Klein).

6. As per claim 11, Klein and Flynn et al. teach the method of claim 8 as described above. In addition, Klein further teaches the method of receiving from a claimant one or more of approval, comment and modification relating to the at least one audit claim, i.e. the user then determines the number of errors contained in the sample and communicates this information to the database auditor (see column 6, lines 24-26 of Klein).

7. As per claim 12, Klein and Flynn et al. teach the method of claim 8 as described above. In addition, Klein further teaches the method of delivering notice to a vendor of the accessibility of the at least one audit claim and the one or more associated documents, i.e. the database auditor presents the sample to the user in a standardized set of reports or on-line forms (see column 5, lines 62-64 of Klein).

8. As per claim 13, Klein and Flynn et al. teach the method of claim 8 as described above. In addition, Klein further teaches the method of receiving from a vendor one or more of approval, comment and modification relating to the at least one audit claim, i.e. the user then determines the number of errors contained in the sample and communicates this information to the database auditor (see column 6, lines 24-26 of Klein).

9. As per claim 14, Klein and Flynn et al. teach the method of claim 8 as described above. In addition, Klein further teaches the method of receiving from a vendor a document relating to at least one audit claim, i.e. any data entered into a database must come from an original source, and validating the contents of a database means going to that source and double-checking the contents of the records selected for the sample with the original material (in order to perform an audit, the original documents must have been received from an entity requesting the audit)(see column 2, lines 36-41 of Klein).

10. Claims 2-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein, U.S. Patent No. 5,404,509, in view of Flynn et al., Publication No. 2003/0149645, and Goldman et al., U.S. Patent No. 5,684,951.

11. As per claim 2, Klein and Flynn et al. teach the method of claim 1 as described above. However, Klein does not explicitly teach the method of providing secure access via the Internet browser. Goldman et al., however, does teach the method of providing secure access to the at least one audit claim and the one or more associated documents via an Internet browser, i.e. the present invention provides a user authentication system that offers security of access even if a user password or identification is stolen (see column 1, lines 36-40 of Goldman et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Klein. One of ordinary skill in the art would have been motivated to incorporate this feature to reduce the amount of unauthorized entry (see column 11, lines 36-37 of Goldman et al.).

12. As per claim 3, Klein, Flynn et al., and Goldman et al. teach the method of claim 2, as described above. Klein further teaches the method of delivering notice to a claimant of the accessibility of the at least one audit claim and the one or more associated documents, i.e. the database auditor presents the sample to the user in a standardized set of reports or on-line forms (see column 5, lines 62-64 of Klein).

13. As per claim 4, Klein, Flynn et al., and Goldman et al. teach the method of claim 2, as described above. Klein further teaches the method of receiving from a claimant one or more of approval, comment and modification relating to the at least one audit claim, i.e. the user then determines the number of errors contained in the sample and communicates this information to the database auditor (see column 6, lines 24-26 of Klein).

14. As per claim 5, Klein, Flynn et al., and Goldman et al. teach the method of claim 2, as described above. Klein further teaches the method of delivering notice to a vendor of the accessibility of the at least one audit claim and the one or more associated documents, i.e. the database auditor presents the sample to the user in a standardized set of reports or on-line forms (see column 5, lines 62-64 of Klein).

15. As per claim 6, Klein, Flynn et al., and Goldman et al. teach the method of claim 2, as described above. Klein further teaches the method of receiving from a vendor one or more of approval, comment and modification relating to the at least one audit claim, i.e. the user then determines the number of errors contained in the sample and communicates this information to the database auditor (see column 6, lines 24-26 of Klein).



16. As per claim 7, Klein, Flynn et al., and Goldman et al. teach the method of claim 2, as described above. Klein further teaches the method of receiving from a vendor a document relating to at least one audit claim, i.e. any data entered into a database must come from an original source, and validating the contents of a database means going to that source and double-checking the contents of the records selected for the sample with the original material (in order to perform an audit, the original documents must have been received from an entity requesting the audit)(see column 2, lines 36-41 of Klein).

17. As per claim 9, Klein and Flynn et al. teach the method of claim 8 as described above. However, Klein does not explicitly teach the method of providing secure access via the Internet browser. Goldman et al., however, does not teach the method of providing secure access to the at least one audit claim and the one or more associated documents via an Internet browser, i.e. the present invention provides a user authentication system that offers security of access even if a user password or identification is stolen (see column 1, lines 36-40 of Goldman et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Klein. One of ordinary skill in the art would have been motivated to incorporate this feature to reduce the amount of unauthorized entry (see column 11, lines 36-37 of Goldman et al.).

18. Claims 15-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klein, U.S. Patent No. 5,404,509, in view of Quinn, U.S. Patent No. 5,944,786, and Flynn et al., Publication No. 2003/0149645.

19. As per claim 15, Klein teaches the computer-based system for web-based claim processing in an audit comprising: (a) a database of electronic documents associated with the audit, i.e. electronic images are available for the database records and the source material (see column 6, lines 13-14 and 19-20 of Klein); (b) a claim manager that receives and processes an audit claim associated with one or more of the electronic documents, i.e. the database auditor selects the sample to audit and presents the sample to the user (see column 5, lines 62-64 of Klein), wherein the at least one audit claim comprises at least one of a claim type, a claim amount, and a claim date, i.e. the audit list indicates the name of the audit file, the name of the database that was audited, the date of the audit, and the overall accuracy of the result of the audit (see column 12, lines 34-37 of Klein); (c) see below; and (d) wherein the claim manager generates web pages presenting the audit claim and the associated documents for review and processes inputs received through the webpage interfaces, i.e. in step 224, the user notes any discrepancies on the audit summary screen where the audit summary screen is on-line (see column 18, lines 51-54 and 68 and column 19, line 1 of Klein). In regards to step (c), Klein does not explicitly teach the method of an e-mail server. However, Quinn does explicitly teach the method of an e-mail server that generates a message notifying the accessibility of the audit claim and the one or more of the documents via an Internet browser, i.e. the automatic e-mail notification system provides for the automatic notification of an e-mail recipient of the presence of e-mail in the recipient's e-mail box on a remote e-mail server where the e-mail server is usually located at an Internet Service Provider (see abstract and column 4, lines 28-29 of Quinn). It would

have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Klein. One of ordinary skill in the art would have been motivated to incorporate this feature to become more efficient (see column 1, lines 22-24 of Quinn). In addition, Klein does not explicitly teach the system concerning a recovery audit. Flynn et al., however, does teach a method relating to recovery audits, i.e. the practice of performing recovery audits originated in the early 1970's (see page 1, paragraph 0001, lines 1-3 of Flynn et al.). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the systems of Klein and Quinn. One of ordinary skill in the art would have been motivated to combine these features in order to recover lost profits (see page 1, paragraph 0011, lines 1-3 of Flynn et al.).

20. As per claim 16, Klein, Quinn, and Flynn et al. teach the system of claim 15 as described above. Quinn further teaches the method wherein the e-mail server sends the message to a claimant, i.e. the automatic e-mail notification system provides for the automatic notification of an e-mail recipient of the presence of e-mail in the recipient's e-mail box on a remote e-mail server (see abstract of Quinn, lines 1-4). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Klein. One of ordinary skill in the art would have been motivated to incorporate this feature to become more efficient (see column 1, lines 22-24 of Quinn).

21. As per claim 17, Klein, Quinn, and Flynn et al. teach the system of claim 15 as described above. Quinn further teaches the method wherein the e-mail server sends

the message to a claimant, i.e. the automatic e-mail notification system provides for the automatic notification of an e-mail recipient of the presence of e-mail in the recipient's e-mail box on a remote e-mail server (see abstract of Quinn, lines 1-4). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the method of Klein. One of ordinary skill in the art would have been motivated to incorporate this feature to become more efficient (see column 1, lines 22-24 of Quinn).

22. As per claim 18, Klein, Quinn, and Flynn et al. teach the system of claim 15 as described above. Klein further teaches the method wherein the web server is configured to receive at least one of approval, comment, document and modification associated with the audit from one of a claimant and vendor, i.e. the user notes any discrepancies on the audit summary screen where the audit summary screen is on-line (see column 18, lines 51-54 and 68 and column 19, line 1 of Klein).

23. As per claim 20, Klein, Quinn, and Flynn et al. teach the method of claim 18 as described above. Klein further teaches the system comprising a viewer associated with the claim manager for presenting the associated documents to remote viewers, i.e. where electronic images that represent the source material for the records in a database are available, these images are available on-line for the review process (see column 6, lines 13-16 of Klein).

24. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klein, U.S. Patent No. 5,404,509, in view of Quinn, U.S. Patent No. 5,944,786, and Flynn et

al., Publication No. 2003/0149645, as applied to claim 18 above, further in view of Goldman et al., U.S. Patent No. 5,684,951.

25. As per claim 19, Klein, Quinn, and Flynn et al. teach the method of claim 18 as described above. However, none of the references explicitly teach a confidentiality level. Goldman et al., however, does explicitly teach a system wherein a confidentiality level is associated with the one of approval, comment, document and modification, i.e. the present invention provides a user authentication system that offers security of access even if a user password or identification is stolen (see column 1, lines 36-40 of Goldman et al.). It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature into the combined method of Klein, Quinn, and Flynn et al. One of ordinary skill in the art would have been motivated to incorporate this feature to reduce the amount of unauthorized entry (see column 11, lines 36-37 of Goldman et al.).

### ***Response to Arguments***

26. With regard to Applicant's arguments filed 1 February 2008, it is respectfully submitted that the Examiner has applied new prior art to the amended features of amended claims 1-15 and 18 at the present time. As such, Applicant's remarks with regard to the application of Klein to the amended claims are moot in light of the inclusion of the teachings of Flynn et al. addressed in the above Office Action.

### ***Conclusion***

27. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

28. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to David M. Kohut, Esq. whose telephone number is 571-270-1369. The Examiner can normally be reached M-Th 730-5 w/1<sup>st</sup> Fri off. 2<sup>nd</sup> Fri 730-4.

29. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Joseph Thomas can be reached at 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

30. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/822,483  
Art Unit: 3626

Page 14

/D. M. K./  
Examiner, Art Unit 3626  
2/28/2008